

## DETAILED ACTION

### *Response to Amendment*

No claims were amended. Claims 1-20 are pending.

### *Response to Arguments*

Applicant's arguments filed 08/17/2011 have been fully considered.

Applicant misinterprets the Board's decision of 09/23/2010:

The Board...noted in findings of fact 5 and 6 that Haynes expressly taught an "aggregated catalog" in the form of data warehouse that incorporates the catalogs of each supplier--and such findings are considered "res judicata"...

Therefore, as already decided by the Honorable Board, necessarily in Haynes the "aggregated catalog" in the form of the data warehouse is NOT *[sic]* separate from the supplier catalogs as taught by page 6, lines 13 through 18 of Applicants' specification and now expressly claimed in claims 1, 7, 13 and 19.

To the extent, that the findings of the Board in respect to the teachings of the data warehouse including the supplier catalogs are not subject to further argument either by Applicants or Examiner, Examiner's reliance upon Haynes at page 5 of the Latest NFOA for the teaching of an aggregated catalog that is separate from the supplier catalogs is not permitted. Accordingly, withdrawal of the rejections on the art is respectfully requested. [p. 17, 08/17/2011]

Respectfully, Applicant's logic is faulty.

(a) The Board's findings do not preclude

- ...Examiner's reliance upon Haynes...for the teaching of an aggregated catalog that is separate from the supplier catalogs...

(b) The Board made no finding that

*...in Haynes the 'aggregated catalog' in the form of the data warehouse is NOT separate from the supplier catalogs as taught by [...Applicant disclosures...]*

(c) the Board found, pp. 8-9, emphasis and line breaks added:

...first argument...Contrary to the Appellants' argument, we find that Haynes expressly describes: (i) a plurality of supplier catalogs; (ii) receiving the plurality of supplier catalogs and (iii) a plurality of suppliers. We note that Haynes states [para. 0056]...[quoted text omitted] See also FF 5 (catalogues for each supplier are also

described through out Haynes)...We also find that Haynes expressly describes: (iv) aggregating the plurality of catalogs and (v) an aggregated catalog.

...second argument, the Appellants argue that Haynes does not describe that "a user is able to access a supplier catalog, which is separate from the aggregated catalog." App. Br. 15. However, claim 1 does not require that the supplier catalog is separate from the aggregated catalog as the Appellants seem to argue (Id.)...

...Claim 1 states "providing a buyer with access to said aggregated catalog and separate access to at least one of said plurality of supplier catalogs on said commerce site." (Emphasis added.) It is the "access" (in the claims) that is separate and not the catalogs.

"...Many of appellant's arguments fail from the outset because...they are not based on limitations appearing in the claims..." In re Self, 671 F.2d 1344, 1348 (CCPA 1982);

### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1-3, 6-9, 12-15, and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Haynes (US 2006/0218052 A1).**

<i>claimed</i>	<i>Applicant's reference</i>	<i>Haynes</i>
Aggregated catalog	Fig. 1 #30; Fig. 5 #300	Data warehouse Fig.1 # 36
Supplier catalog	Fig. 1 #13	supplier catalogs stored at a database of vendor 14, Fig. 1 external system 48, para 0056

The Examiner has taken this opportunity to further explain prior art rejections. These comments are not additional grounds of rejection.

As per claim 1, Haynes discloses method(s) of creating a marketplace with hosted supplier stores comprising the steps of:

providing tools for creating and managing (e.g., Haynes, para 0048)

a hosted supplier store to each of a plurality of suppliers (e.g., Haynes, vendor users 12)

through a commerce site (e.g., Haynes, e-commerce 10)  
said tools including a catalog facility for uploading and managing a supplier catalog for said hosted supplier store (e.g., Haynes: abstract and figure 1);  
receiving a plurality of supplier catalogs from said plurality of suppliers (e.g., Haynes: para 18, Board decision, p. 8);  
aggregating said plurality of supplier catalogs into an aggregated catalog (e.g., Haynes: para 18, Board decision, p. 8)

that is separate from the plurality of supplier catalogs

e.g., ...supplier/vendor catalogs are stored at a database of vendor 14, and accessed via *external system 48*, Haynes, para 0056, 0052;

providing a buyer with

[a] access to said aggregated catalog

... buyer to initiate a search for a particular product or service among those stored in the data warehouse 36 (FIG. 1). In particular, the buyer has an option as to the type of search that he/she would like to conduct. [Haynes, para 0058]

Board decision, p. 9, ...we find that an aggregated catalog...encompasses a catalog which is formed by a collection of catalogs (see FF3). Given this, we find that the step of aggregating said plurality of supplier catalogs into an aggregated catalog reads on Hayne's database, which is specifically described as storing a collection of supplier catalogs (see FF 5-6).

[b] separate access to at least one of said plurality of supplier catalogs

...It is a still further object of this invention to provide apparatus and method that permits any of the plurality of buyers to communicate directly with any of the plurality of suppliers [Haynes, para 14]

...Such an interface permits a buyer to search [Ex. Note: access] a catalogue of products and/or services of a particular supplier, select particular products and/or services for purchase, facilitate the purchase of the particular products or services, provide financial information to facilitate the buyers providing the supplier with financial information and effect payment to the supplier, authorize the purchase of the selected products and/or services, and provide an indication of the status of the current transaction. [Haynes, para 0047]

As shown in FIG. 1, each of the buyers' terminals 16 and each of the vendors' or suppliers' terminals 14 is coupled to a web server 20...In particular the server 20 is

programmed to manage a buyer site 22a and a vendor or supplier site 22b. [Haynes, para 0048, emphasis added]

Board decision, FF 8, "...Haynes describes a buyer accessing buyer site 22a provided by a web server 20 of the system 100..."

that is separate from the aggregated catalog on said commerce site.

...It is a still further object of this invention to provide apparatus and method that permits any of the plurality of buyers to communicate directly with any of the plurality of suppliers [Haynes, para 14]

supplier/vendor catalogs are stored at a database of vendor 14, and accessed via external system 48, Haynes, para 0056, 0052)

Board decision, p. 8, "...catalogues for each supplier are also described through out Haynes..."

As per claim 2, Haynes discloses

providing a supplier hub catalog topology (e.g., Haynes: figure 1 and para 89);

wherein said step of aggregating includes aggregating said supplier catalogs

according to said supplier hub catalog topology (e.g., Haynes: para 89).

As per claim 3, Haynes further discloses a method wherein:

Said supplier catalogs include shared marketplace products and supplier specific products (e.g., Haynes: paras 89-90);

Said buyer access said aggregated catalog through one of said hosted supplier stores owned by one of said suppliers (e.g., Haynes: para 48); and

Said step of aggregating includes aggregating said shared marketplace products from all of said suppliers with said supplier specific products from said one of said suppliers (e.g., Haynes: abstract and para 18).

As per claim 6, Haynes discloses

providing said buyer with trading mechanisms for generating orders for items within said aggregated catalog (e.g., Haynes: para 48);

developing requests for quotations for made-to-order items (e.g., Haynes: para 59); and

negotiating contracts between said suppliers and said buyers (e.g., Haynes: para 113, agreement).

Claim 7 is rejected on the same grounds as claim 1.

Claim 8 is rejected on the same grounds as claim 2.

Claim 9 is rejected on the same grounds as claim 3.

Claim 12 is rejected on the same grounds as claim 6.

Claim 13 is rejected on the same grounds as claim 1.

Claim 14 is rejected on the same grounds as claim 2.

Claim 15 is rejected on the same grounds as claim 3.

Claim 18 is rejected on the same grounds as claim 6.

Claim 19 is rejected on the same grounds as claim 1.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 4-5, 10-11, 16-17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haynes (US 2006/0218052 A1) in view of Flaxer (US 2003/0033218 A1)**

As per claims 4 and 5, Haynes does not expressly disclose

(claim 4)  
receiving contract data from one of said suppliers, said contract data including entitlement information for said buyer in relation to a product; and

wherein the step of providing said buyer with access includes filtering said aggregated catalog based upon said entitlement information.

(Claim 5)  
receiving a buyer request for said product; and  
wherein said step of filtering includes identifying hosted supplier stores offering said product, identifying eligible contracts within said identified hosted supplier stores, retrieving entitlement information from said eligible contracts, and applying said retrieved entitlement information, wherein said entitlement information includes pricing.

Flaxer discloses defining customizable subsets of a catalog including:

Claim 4:

- Receiving contract data from one of said suppliers, said contract data including entitlement information for said buyer in relation to a product (Flaxer: abstract and para 8); and
- Wherein the step of providing said buyer with access includes filtering said aggregated catalog based upon said entitlement information (Flaxer: para 8).

Claim 5:

- Receiving a buyer request for said product (Flaxer: abstract); and
- Wherein said step of filtering includes identifying hosted supplier stores offering said product, identifying eligible contracts within said identified hosted supplier stores, retrieving entitlement information from said eligible contracts, and applying said retrieved entitlement information, wherein said entitlement information includes pricing (Flaxer: para 8).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have modified the method of Haynes to have included entitlement information for buyers including pricing, as taught by Flaxer. One of ordinary skill in the art would have been motivated to combine Haynes and Flaxer to

allow for personalized pricing by the vendor for the obvious reason of maximizing profit (Flaxer: abstract).

In addition, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of Haynes to have included

receiving contract data from one of said suppliers, said contract data including entitlement information for said buyer in relation to a product; and  
wherein the step of providing said buyer with access includes filtering said aggregated catalog based upon said entitlement information (claim 4)

receiving a buyer request for said product; and  
wherein said step of filtering includes identifying hosted supplier stores offering said product, identifying eligible contracts within said identified hosted supplier stores, retrieving entitlement information from said eligible contracts, and applying said retrieved entitlement information, wherein said entitlement information includes pricing (claim 5)

as taught by Flaxer because

- (a) the incorporation of such features is no more than the predictable use of prior art elements according to their established function; further
- (b) it was well within the capabilities of one of ordinary skill in the art at the time of Appellant's invention to use known techniques to improve similar devices, methods and products; further
- (c) it was well within the capabilities of one of ordinary skill in the art at the time of Appellant's invention to apply a known technique to a known device, method and product ready for improvement to yield predictable results.

See KSR, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

Claim 10 is rejected on the same grounds as claim 4.

Claim 11 is rejected on the same grounds as claim 5.

Claim 16 is rejected on the same grounds as claim 4.

Claim 17 is rejected on the same grounds as claim 5.

Claim 20 is rejected on the same grounds as claim 4.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES ZURITA whose telephone number is (571)272-6766. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571)272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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